

EAC Testimony on Op Memos

Sept. 18, 2008

- Thank you for the opportunity to participate
- The Detroit Regional Chamber represents over 20,000 businesses in the 10-county Southeast Michigan area. Our members range from sole proprietors to Fortune 500 companies and every size in between
- Most of our comments concern the use of Op Memos in the RRD program
- The Detroit Regional Chamber believes that the pace of cleanup and redevelopment in the State of Michigan is unacceptably low
- Op Memos and other forms of guidance should be developed and used only to enhance the degree of transparency and predictability for both the regulated community as well as other MDEQ staff. We believe that should be the touchstone - - if the guidance does not clarify and expedite the review process, it is not helpful to the regulated or regulators
- That the regulated community can get completely different interpretations on the same issue in the space of just a few months from the same or different MDEQ staff, demonstrates the lack of transparency and predictability in the program, creating large barriers to parties who might otherwise be predisposed to move a site through a remedial response process toward closure or redevelopment

- Issues are often raised for the first time by Lansing staff during the latter stages of RAP review, after district review and approval, further complicating the process
- Rather than relying on an increasing volume of Op Memos, risk management principles can and should be used to address uncertainty to assure that risk reduction goals are met. Risk management, by definition, requires application of prudent judgment by front line staff to manage significant risk rather than striving to eliminate all risk
- Our position is that guidance documents represent only one aspect of a larger need for reform within the Part 201 program
- The Detroit Regional Chamber asks that MDEQ implement the policy changes agreed to in the Director's May 19, 2008 letter to increase the pace and efficiency of clean up activities and facilitate brownfield redevelopment
- Providing a transparent, predictable decision-making process, with clear lines of approval authority, will increase statewide cleanup activities, resulting in more site closures, a cleaner environment and the revitalization of Michigan's urban core
- We look forward to continuing to work with you in a collaborative process to achieve these objectives; thank you again for this opportunity to participate